

### **REMARKS/ARGUMENTS**

Upon entry of the above amendments, claims 1-12 will be pending. Claims 1, 6, and 8-10 have been amended. Support for these amendments may be found throughout the specification. Applicant has also amended the specification. Support for this amendment may be found, *inter alia*, on page 1 at lines 32-34 as well as being evident from the formula itself. No new matter has been added. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

The Examiner has objected to informalities in claims 6, 8, 9 and 10. Applicant has amended these claims accordingly and therefore respectfully request reconsideration and withdrawal of these objections.

The Examiner has rejected claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Araya (International Publication No. WO 01/94512) in view Swift et al. (US Patent No. 5,478,500) and Aldcroft et al. (International Publication No. WO 00/12669). Specifically, the Examiner acknowledges that element (c) of claim 1 ("particulate silica having a BET surface area greater than 500 m<sup>2</sup>/g and a pore volume, as measured by nitrogen manometry of less than 2.1 cm<sup>3</sup>/g") is not taught by Araya, and therefore, relies upon Swift in combination with Aldcroft to teach this element.

Applicants submit that the problem addressed by the present application is the formation of a *stabilized slurry* having a structure that is resistant to settling out but is readily capable of being discharged from a vessel, such as a tanker, used for bulk transportation prior to its use in the preparation or manufacture of a product. The references relied upon by the Examiner to teach element (c), however, are not in the field of *slurry stabilization*.

Rather, Swift and Aldcroft are in the field of granular compositions. Swift discloses adding dried silica particles to dried powder and Aldcroft discloses silica in the form of granules, with at least 40% silica, that is suitable for incorporation into a detergent powder in solid form. Each of these references are concerned with granular compositions, not an aqueous slurry for slurry stabilization.

A person skilled in the art attempting to solve the problem of *slurry stabilization* would not have sought references in the granular composition art. Accordingly, Swift and Aldcroft fail to cure the defect of Araya, and therefore Applicants respectfully request consideration and withdrawal of the rejections.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY

By: 

Ted J. Ebersole  
Registration No. 51,641  
Direct No. (202) 879-3646

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 879-5481

Intellectual Property Group  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
(202) 879-3939 Telephone  
(202) 626-1700 Facsimile

Date: May 2, 2008